

GIBSON DUNN

February 07, 2025

VIA ECF

The Honorable Jesse M. Furman
United States District Court Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: FTC v. PepsiCo, Inc., No. 1:25-cv-664-JMF

Dear Judge Furman:

We represent Defendant PepsiCo, Inc. (“Pepsi”) in the above-referenced action brought by Plaintiff the Federal Trade Commission (“FTC”). The FTC filed a Complaint in this matter on January 23, 2025,¹ and Pepsi waived service on January 24, 2025. Pepsi’s deadline to answer or move to dismiss is currently March 24, 2025.

On behalf of Pepsi, and jointly with the FTC, we write to respectfully request a 60-day extension of the deadline to answer the Complaint. Pepsi intends to move to dismiss the Complaint and has notified the FTC of this intention. After conferring, the parties jointly propose the following briefing schedule, which incorporates modest extensions of the deadlines for subsequent briefing: Pepsi shall file its motion to dismiss by May 23, 2025; FTC shall file its opposition to Pepsi’s motion to dismiss by July 3, 2025; and Pepsi shall file its reply in support of the motion to dismiss by August 4, 2025.

The parties request these extensions to provide sufficient time to respond to the allegations in the FTC’s Complaint and to provide the FTC with sufficient time to respond in opposition to Pepsi’s motion.

This is the first request by either party for an extension of the deadlines specified above. The parties’ next scheduled appearance before the Court is the initial pretrial conference on March 26, 2025. Counsel for Pepsi has obtained consent to sign this joint motion on behalf of counsel for the FTC.

¹ FTC had previously filed its Complaint in *FTC v. PepsiCo, Inc.*, No. 1:25-mc-33 on January 17, 2025.

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Sincerely,

/s/ Christine Buzzard

Stephen Weissman (*pro hac vice* forthcoming)

Christine Buzzard (*pro hac vice* forthcoming)

sweissman@gibsondunn.com

cbuzzard@gibsondunn.com

Gibson, Dunn & Crutcher LLP

1700 M Street, N.W.

Washington, D.C. 20036-4504

Telephone: 202.955.8500

Counsel for PepsiCo, Inc.

/s/ Nicolas Stebinger

Nicolas Stebinger

nstebinger@ftc.gov

Senior Trial Counsel

Bureau of Competition

Federal Trade Commission

600 Pennsylvania Ave. NW

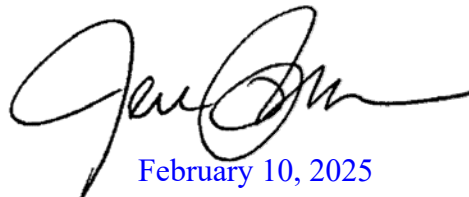
Washington, DC 20580

Telephone: 202.326.2688

Counsel for the Federal Trade Commission

Application GRANTED as modified. Defendant is granted until May 23, 2025, to respond to the Complaint, but the FTC's opposition to the anticipated motion to dismiss shall be filed no later than June 19, 2025, and any reply shall be filed by July 3, 2025. The initial pretrial conference currently scheduled for March 26, 2025 is hereby ADJOURNED *sine die*. The Clerk of Court is directed to terminate ECF No. 17.

SO ORDERED.



February 10, 2025